

**CERTIFICATE OF E-FILING/TRANSMISSION/MAILING**

I hereby certify that this correspondence is being transmitted via the Office electronic filing system in accordance with 37 CFR 1.6(a)(4), facsimile transmitted to the USPTO at (571) 273-8300, or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on November 17, 2009.

/Erin Cowles/

Erin Cowles

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appl. No. : 09/527,931 Conf. No.: 3919  
Applicant : Mathieu  
Filed : March 17, 2000  
TC/A.U. : 3726  
Examiner : Chang, Rick Kiltae  
  
Docket No. : P114-US

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT**

To Whom It May Concern:

Listed on an attached Form PTO/SB/08A is information known to applicant(s). Applicants ask that the attached Form PTO/SB/08A be initialed and returned in accordance with MPEP §609. This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in §1.56.

**APPLICANT'S COMMENTS**

The present application contains the same disclosure, and was filed on the same day as, U.S. Patent No. 6,509,751. Citations 2-4 in the enclosed list include contentions of invalidity of U.S. Patent No. 6,509,751.

- ☐ This statement qualifies under 37 C.F.R. §1.97, subsection (b) because (check all that apply):
- ☐ It is being filed within 3 months of the application filing date (other than the filing date of a continued prosecution application under §1.53(d)); or
  - ☐ It is being filed within 3 months of entry of a national stage; or
  - ☐ It is being filed before the mail date of the first Office Action on the merits; or
  - ☐ It is being filed before the mail date of the first Office Action after the filing of a request for continued examination under §1.114.
- ☒ 37 C.F.R. §1.97(c). If this statement is being filed three months after the filing date of a national application or entry of the national stage in an international application and the mailing date of a first Office action on the merits but before the mailing date of the earlier of a final office action, a notice of allowance, or an action that otherwise closes prosecution in the application, then:
- ☐ a statement as specified in §1.97(e) is provided below; **or**
  - ☒ a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.
- ☐ 37 C.F.R. §1.97(d). If this statement is being filed after the mailing date of the earlier of a final office action under §1.113, a notice of allowance under §1.311, or an action that otherwise closes prosecution in the application, but before payment of the issue fee, then:
- a statement as specified in §1.97(e) is provided below; **and**
  - a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.

*Fee:*

- ☐ No fee is due.
- ☐ A check that includes \$\_\_\_\_\_ for the above-identified fee(s) is enclosed.
- ☒ Payment is provided by credit card.

Respectfully submitted,

Date: November 17, 2009

By William T. Ralston/  
Dr. William T. Ralston  
Reg. No. 55,561

Kirton & McConkie  
P.O. Box 45120  
Salt Lake City, Utah 84145-0120  
Telephone: (801) 426-2118  
Fax: (801) 321-4893